

REMARKS

The Office Action Summary indicates that Claims 57-66 and 68-93 are allowed. However, in the Detailed Action, the Examiner has rejected Claims 57-66 and 68-93 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,178,232. In this response, Applicants address the double patenting rejections. Applicants acknowledge the Examiner's statement about a terminal disclaimer. However, the present application and U.S. Patent No. 6,178,232 are assigned to different assignees, and thus a terminal disclaimer is inapplicable. Applicants note that they are all listed as inventors of U.S. Patent No. 6,178,232, along with others. However, none of the statements included in this response are intended to limit the scope of the claims of this application or U.S. Patent No. 6,178,232, in any way.

In rejecting the pending claims under the judicially created doctrine of obviousness-type double patenting, the Examiner summarily stated that "claims 1-10 of U.S. Patent No. 6,178,232 cover all the limitations of claims 57, 60, 68-71, 77, 84, 91-93." The Examiner also summarily stated that "Claims 57-66, 68-93 of this pending application and claims 1-10 of U.S. Patent No. 6,178,232 are similar in scope with some obvious wordings variations." Applicants respectfully traverse both of these grounds for rejection and request allowance of all pending claims.

I. Claims 1-10 of U.S. Patent No. 6,178,232

Do Not Recite All of the Limitations of the Pending Claims

With respect to the Examiner's allegation that "claims 1-10 of U.S. Patent No. 6,178,232 cover all the limitations of claims 57, 60, 68-71, 77, 84, 91-93," Applicants respectfully submit that each of these claims include at least one limitation that is not recited in any of the claims of U.S. Patent No. 6,178,232 ("the '232 patent"). Accordingly, the double patenting rejections cannot be maintained on these grounds.

Claims 57-59

Independent Claim 57 recites, *inter alia*, “(d) receiving an override signal from the calling communication station; and (e) connecting the calling communication station and the called communication station in response to the override signal and without providing any caller identification information to the called communication station.” Neither of these features is recited in any of the claims of the ‘232 patent. Accordingly, Claim 57, and all the claims that depend from Claim 57, recite at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 58, which depends from claim 57, further recites that the override signal comprises a pin number. However, neither an override signal nor a pin number is recited in any of the claims of the ‘232 patent. Accordingly, for this additional reason, Claim 58 recites at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 59, which depends from claim 57, further recites that the override signal comprises a password. However, neither an override signal nor a password is recited in any of the claims of the ‘232 patent. Accordingly, for this additional reason, Claim 59 recites at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 60

Independent Claim 60 recites, *inter alia*, “(e) canceling the call in response to input from the called communication station.” This feature is not recited in any of the claims of the ‘232 patent. Accordingly, Claim 60, and all the claims that depend from Claim 60, recite at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 68

Independent Claim 68 recites, *inter alia*, “[a] computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling

communication station to a called communication station, the computer readable program code comprising: . . . a fifth computer readable program code for causing a computer to cancel the call in response to input from the called communication station.” These features are not recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are **method claims**. Accordingly, Claim 68, and all the claims that depend from Claim 68, recite at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 69

Independent Claim 69 recites, *inter alia*, “(e) transferring the call to a voice mail system in response to input from the called communication station.” This feature is not recited in any of the claims of the ‘232 patent. Accordingly, Claim 69, and all the claims that depend from Claim 69, recite at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 70

Independent Claim 70 recites, *inter alia*, “(e) transferring the call to another location in response to input from the called communication station.” This feature is not recited in any of the claims of the ‘232 patent. Accordingly, Claim 70, and all the claims that depend from Claim 70, recite at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 71

Independent Claim 71 recites, *inter alia*, “(e) transmitting a message to the calling communication station in response to input from the called communication station.” This feature is not recited in any of the claims of the ‘232 patent. Accordingly, Claim 71, and all the claims that depend from Claim 71, recite at least one feature that is not recited in any of the claims of the ‘232 patent.

Claims 61-66 and 72-76

Claims 61-66 and 72-76 depend from independent Claims 60, 69, 70, and 71. As explained above, each of the independent Claims 60, 69, 70, and 71 recite at least one feature that is not recited in any of the claims of the '232 patent. Accordingly, dependent Claims 61-66 and 72-76 also recite at least one feature that is not recited in any of the claims of the '232 patent.

Claim 73 further recites "transmitting a request for the calling party to speak the name of the party upon whose behalf he or she is calling." This feature is not recited in any of the claims of the '232 patent. Accordingly, for this additional reason, Claim 73 recites at least one feature that is not recited in any of the claims of the '232 patent.

Claim 74 further recites "transmitting a message indicating that the called communication station does not accept calls from an unidentified calling party." This feature is not recited in any of the claims of the '232 patent. Accordingly, for this additional reason, Claim 74 recites at least one feature that is not recited in any of the claims of the '232 patent.

Claims 77-83

Independent Claim 77 recites, *inter alia*, "[a] system for processing a call from a calling party at a calling communication station to a called communication station comprising:

 a switch operative to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

 a service control point coupled with the switch, the service control point being operative to determine whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing information contained within the query; and

a service node coupled with the service control point, the service node being operative to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station and being operative to transmit the audible caller identification information to the called communication station.”

None of these features are recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are method claims. Accordingly, Claim 77, and all the claims that depend from Claim 77, recite at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 78 further recites that “the service control point is operative to determine whether the standard caller identification information for the calling communication station is unavailable by analyzing information contained within the query.” This feature is not recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are method claims. Accordingly, for this additional reason, Claim 78 recites at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 79 further recites that “the service control point is operative to determine whether the standard caller identification information for the calling communication station is incomplete by analyzing information contained within the query.” This feature is not recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are method claims. Accordingly, for this additional reason, Claim 79 recites at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 80 further recites that “the service control point is operative to determine whether the standard caller identification information for the calling communication station has been blocked by analyzing information contained within the query.” This feature is not recited in any

of the claims of the '232 patent, as all of the claims in the '232 patent are **method claims**.

Accordingly, for this additional reason, Claim 80 recites at least one feature that is not recited in any of the claims of the '232 patent.

Claim 81 further recites that "the service node is operative to transmit audible messages to the calling communication station." This feature is not recited in any of the claims of the '232 patent, as all of the claims in the '232 patent are **method claims**. Accordingly, for this additional reason, Claim 81 recites at least one feature that is not recited in any of the claims of the '232 patent.

Claim 82 further recites that "the service node is operative to transmit audible messages to the called communication station." This feature is not recited in any of the claims of the '232 patent, as all of the claims in the '232 patent are **method claims**. Accordingly, for this additional reason, Claim 82 recites at least one feature that is not recited in any of the claims of the '232 patent.

Claim 83 further recites that "the service node is operative to receive and respond to input from the called communication station." This feature is not recited in any of the claims of the '232 patent, as all of the claims in the '232 patent are **method claims**. Accordingly, for this additional reason, Claim 83 recites at least one feature that is not recited in any of the claims of the '232 patent.

Claims 84-90

Independent Claim 84 recites, *inter alia*, "[a] system for processing a call from a calling party at a calling communication station to a called communication station comprising:
a switch operative to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

a service control point coupled with the switch, the service control point being operative to determine whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing information contained within the query; and

an intelligent peripheral coupled with the service control point, the intelligent peripheral being operative to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station and being operative to transmit the audible caller identification information to the called communication station.”

None of these features are recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are method claims. Accordingly, Claim 84, and all the claims that depend from Claim 84, recite at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 85 further recites that “the service control point is operative to determine whether the standard caller identification information for the calling communication station is unavailable by analyzing information contained within the query.” This feature is not recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are method claims. Accordingly, for this additional reason, Claim 85 recites at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 86 further recites that “the service control point is operative to determine whether the standard caller identification information for the calling communication station is incomplete by analyzing information contained within the query.” This feature is not recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are method claims.

Accordingly, for this additional reason, Claim 86 recites at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 87 further recites that “the service control point is operative to determine whether the standard caller identification information for the calling communication station has been blocked by analyzing information contained within the query.” This feature is not recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are **method claims**.

Accordingly, for this additional reason, Claim 87 recites at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 88 further recites that “the intelligent peripheral is operative to transmit audible messages to the calling communication station. This feature is not recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are **method claims**. Accordingly, for this additional reason, Claim 83 recites at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 89 further recites that “the intelligent peripheral is operative to transmit audible messages to the called communication station.” This feature is not recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are **method claims**. Accordingly, for this additional reason, Claim 89 recites at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 90 further recites that “the intelligent peripheral is operative to receive and respond to input from the called communication station.” This feature is not recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are **method claims**. Accordingly, for this additional reason, Claim 90 recites at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 91

Independent Claim 91 recites, *inter alia*, “[a] computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station, the computer readable program code comprising: . . . a fifth computer readable program code for causing a computer to transfer the call to a voice mail system in response to input from the called communication station.” These features are not recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are **method claims**. Accordingly, Claim 91 recites at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 92

Independent Claim 92 recites, *inter alia*, “[a] computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station, the computer readable program code comprising: . . . a fifth computer readable program code for causing a computer to transfer the call to another location in response to input from the called communication station.” These features are not recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are **method claims**. Accordingly, Claim 92 recites at least one feature that is not recited in any of the claims of the ‘232 patent.

Claim 93

Independent Claim 93 recites, *inter alia*, “[a] computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station, the computer readable program code comprising: . . . a fifth computer readable program code for causing a computer to transmit a message to the calling communication station in response to input from the called

communication station.” These features are not recited in any of the claims of the ‘232 patent, as all of the claims in the ‘232 patent are method claims. Accordingly, Claim 93 recites at least one feature that is not recited in any of the claims of the ‘232 patent.

For all of the foregoing reasons, Applicants respectfully submit that each of the pending claims includes at least one limitation that is not recited in any of the claims of U.S. Patent No. 6,178,232. Accordingly, the double patenting rejections cannot be maintained on these grounds.

II. The Pending Claims Do Not Recite Obvious Wording Variations to Claims 1-10 of U.S. Patent No. 6,178,232

With respect to the Examiner’s allegation that “Claims 57-66, 68-93 of this pending application and claims 1-10 of U.S. Patent No. 6,178,232 are similar in scope with some obvious wording variations,” Applicants respectfully submit that Claims 57-66, 68-93 of this pending application do not recite obvious wording variations of Claims 1-10 of the ‘232 patent.

Independent Claims 57, 60, 68-71, 77, 84, and 91-93

With respect to the independent Claims 57, 60, 68-71, 77, 84, and 91-93, as discussed above in more detail, each of these claims recites at least one feature that is completely absent from and that is not disclosed in Claims 1-10 of the ‘232 patent. Accordingly, the recitation of these features cannot constitute obvious wording variations to the claims of the ‘232 patent because these features are completely absent from the claim of the ‘232 patent. Therefore, the double patenting rejections cannot be maintained on this basis.

Dependent Claims 58-59, 61-66, 72-76, 78-83, and 85-90

Because Claims 58-59, 61-66, 72-76, 78-83, and 85-90 all depend from one or more of the independent claims listed above, these claims also include at least one feature that is not disclosed in the claims of the ‘232 patent and that does not constitute an obvious wording

variation of the claims in the '232 patent. Accordingly, for this reason alone, the double patenting rejections cannot be maintained on this basis.

Furthermore, as discussed above in more detail, several of the dependent claims also include additional limitations that are not recited in the claims of the '232 patent. The recitation of these additional limitations are not obvious wording variations of the claims of the '232 patent because these additional features are completely absent from the claims of the '232 patent. For these additional reasons, the double patenting rejections cannot be maintained on this basis.

III. Conclusion

For all of the reasons stated above, Applicants respectfully submit that each of the pending claims includes at least one limitation that is recited in any of the claims U.S. Patent No. 6,178,232 and that does not constitute an obvious wording variation to any of the claims of U.S. Patent No. 6,178,232. Accordingly, Applicants respectfully submit that the double patenting rejections have been traversed and respectfully request that the double patenting rejections of all of the pending claims be withdrawn.

In view of the above remarks, Applicants submit that this case is in condition for allowance. If the Examiner feels that a telephone interview would be helpful in resolving any remaining issues, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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